IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 32651 of 2006(K)

PETITIONER:

T.ABDUL RAZZAK,
RAJA HOLLOW BRICKS, P.O.KUDALLOOR,
VIA KUMBIDI, ANAKKARA, PALGHAT DISTRICT.

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENTS:
----

1. THE SUB INSPECTOR OF POLICE,
TRITHALA.

2. THE CIRCLE INSPECTOR OF POLICE,
PATTAMBI.

3. THE SUPERINTENDENT OF POLICE,
PALAKKAD.

4. THE CONVENER,
HEAD LOAD WORKERS UNION, (C.I.T.U.), KUDALLUR.

5. THE CONVENER,
HEAD LOAD WORKERS UNION, (B.M.S.), KUDALLUR.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tga

WP(C) NO: 32651/2006 K

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE SMALL SCALE INDUSTRIES REGISTRATION CERTIFICATE.

EXT.P2. COPY OF THE REGISTRATION CERTIFICATE UNDER THE SHOPS AND COMMERCIAL ESTABLISHMENTS ACTS.

EXT.P3. COPY OF THE PETITION DT. 24/11/2006 BY THE PETITIONER BEFORE THE R1.

EXT.P3A. COPY OF THE RECEIPT BY THE R1.

RESPONDENT'S EXHIBITS NIL.

True copy

tga

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.32651 of 2006-K

Judgment

Balakrishnan Nair, J.

The petitioner is running a cement hollow brick manufacturing unit. He has got his own workmen to do the loading and unloading work. But the respondents 4 and 5 and their supporters are causing obstruction to the functioning of the unit. They claim the loading and unloading work in his unit. The petitioner filed Ext.P3 representation before the SI of Police, Thrithala, the first respondent herein, seeking protection against the obstruction caused by them. But the said respondent did not take any steps. Therefore, this Writ Petition is filed, seeking police protection. This Court on 08.12.2006, passed the following interim order :

> *"Interim direction as prayed for is granted, provided the loading and unloading work is done only by the four workers mentioned in paragraph 2 of the Writ Petition and the area in question is not a scheme covered area."*

Though, notice was served on the party respondents, no one appeared for them. The learned counsel for the petitioner prays that the Writ Petition may be disposed of making the above quoted interim order absolute, subject to the modification that he can do the loading and unloading work, using his regular Workmen.

2. The petitioner may get registration for his regular workmen under Rule 26A of the Kerala Headload Workers Act. Such workmen of the petitioner, having registration shall be given protection against obstruction from respondents 4 and 5, by the Police. The present interim order will remain in force for a period of two months from today. In the meantime, the petitioner may get registration for the workers, he propose to employ as Headload Workers. Thereafter, the protection will continue, only to those Workmen, who have got registration under the Act. If the respondents 4 and 5 have any claim for work under the petitioner, they may move the competent authorities under the Headload Workers Act. If they get any favourable orders from the statutory

authorities, this Judgment will not stand in the way of implementing the same.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

12.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

sta